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# The Ties that Bind: Intermarriage between Moriscos and Old Christians in Early Modern Spain, 1526-1614

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> "It is well-known that Aragon, Valencia, and the greater part of Castile, both New and Old, are filled with the descendants of Muslims, who are commonly referred to as Moriscos. These communities can be divided between converts in Castile and Aragon, [on the one hand] and the Moriscos of Granada and Valencia [, on the other]. These four groups differ significantly between themselves…but because they recognize their common descent from Muslims, they love each other…and when they cannot find someone from their own *nación* to marry, they prefer to marry with anyone from one of the other three groups rather than an Old Christian. In that they are a united community."[1]

In 1606, as he drafted an informational *relación* for the Pope, the Jesuit Ignacio de Las Casas reflected on the state of the integration of Moriscos into Spanish Christian society. It was a topic with which he—as a Granadino native born into a convert family—was exceedingly familiar.[2] The tone of the *relación* was not merely informative, but also geared toward countenancing policy changes. Amongst a host of other recommendations, most notably a heavier investment in Arabic-language catechesis, Las Casas advised the Pope to persuade the Spanish Crown to offer special privileges to Moriscos who married into Old Christian society. Such a measure, he deemed, was absolutely necessary to encourage the process of integration that, though initiated more than a century before with the first wave of forced baptisms and emigration, had crept along at a disappointingly slow pace.

Beginning in the 1520s, and increasingly throughout the decades, the Crown encouraged ecclesiastical authorities to devise new policy for encouraging the integration of the formerly-Muslim New Convert community.[3] Bishops, statesmen, and theologians met in a multitude of congregations and *juntas* throughout the sixteenth century, and especially in the years following the completion of the Council of Trent (1563). Ignacio de Las Casas' proposals fit in near the end of this policy tradition. Only three years after Las Casas drafted his *relación*, the Spanish Crown would begin a

[1] This quote is taken directly from a 236-folio *memorial* written by the Jesuit Ignacio de las Casas to the Pope, edited and transcribed in: Youssef El Alaoui, *Jésuites, Morisques et Indiens: étude comparative des méthodes d'évangélisation de la Compagnie de Jésus d'après les traités de José de Acosta (1588) et d'Ignacio de las Casas (1605 - 1607)* (Paris: Champion, 2006), 514.

[2] For background on his life, see El Alaoui, *Jesuites, Morisques,et Indiens*; Francisco de Borja Medina, "La Compañía Jesús y la minoría morisca (1545-1614) " *Archivum historicum Societatis Iesu* 57 (1988): 3-136.

[3] See Rafael Benítez Sánchez-Blanco, "La política de Carlos V hacia los moriscos granadinos," in *Carlos V y la quiebra del humanismo político en Europa (1530-1558)*, ed. José Martínez Millán (Madrid: Sociedad Estatal para la conmemoración de los centenarios de Felipe II y Carlos V, 2001), 415-46.

process that lasted five years (1609-1614), during which it expelled hundreds of thousands of "Moriscos" from its kingdoms.[4] As the Crown announced its decrees of expulsion, it exempted a number of individuals from its otherwise blanket decrees. Intermarriage remained one of the few convincing evidences of integration that the Crown was willing to acknowledge.

| Exemptions from Expulsion (1610): Andalusia, Murcia, and Granada[5] | |
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| 1. | Moriscas married to Old Christian men, and their children |
| 2. | Moriscos who had formerly been slaves and had married Old Christian women |
| 3. | Moriscos who had converted prior to 1502 and could present a reference from their prelate attesting to their faith |
| 4. | Turks or Berbers who had come to Spain, either willingly or unwillingly, and subsequently converted |
| 5. | Morisco children under the age of seven |
| 6. | Morisco orphans |
| 7. | Morisco slaves |
| 8. | Moriscos who had become clerics, friars, or nuns |

Table 1.1

The terms here, Morisco and Old Christian, represented fundamental lines of ethnic division in sixteenth- and seventeenth-century Spain. The designation "Old Christian" had emerged in the fifteenth-century, as entrenched members of the Christian community sought to differentiate themselves from the multitudes of "New Christians" or *conversos*, who had converted from Judaism in the wake of persecution and plague.[6]

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[4] The historiography on this subject is sizeable. For an introduction see: Manuel F. Fernández Chaves and Rafael M. Pérez García, *En los márgenes de la ciudad de Dios: Moriscos en Sevilla* (València: Publ. de la Univ. de València, 2009), 366-422; Manuel Lomas Cortés, *El proceso de expulsión de los moriscos de España (1609 - 1614)* (València: Univ. de València, 2011); Carlos Garriga, "Enemigos domésticos. La expulsión católica de los moriscos (1609-1614)," *Quaderni Fiorentini* XXXVIII, no. 1 (2009): 225-87.

[5] Adapted from Jaime Bleda, translation mine. Ibid., 1040-43. See also BNE VE 36-4 (1/17/1610 Córdoba); Manuel Fernández Chaves and Rafael Pérez García, *En los márgenes de la ciudad de Dios. Moriscos en Sevilla* (Valencia: Universitat de València, 2009), 400-15.

[6] Antonio Domínguez Ortíz, *Los judeoconversos en España y América* (Madrid: Ediciones ISTMO, 1971); David Nirenberg, "Conversion, Sex, and Segregation: Jews and Christians in Medieval Spain," *American Historical Review* 107, no. 4 (2002): 1065-93.

As Old Christians sought to preserve their standing and positions within Christian society, they began to argue that *limpieza de sangre*—an uninterrupted line of Christian genealogical descent—should be a prerequisite for positions of authority. This movement, which originally had been sparked by conflict over the composition of the city council of Toledo in 1449, gradually spread to a number of military orders, religious orders and institutions, *colegios mayores*, and the Inquisition.[7] The term Old Christian typically defined someone at least two generations removed from conversion, but the hysteria at certain points became so intense that some institutions insisted it meant being devoid of *any* "admixture with nor ancestry from Moors, Jews, heretics, or individuals punished by the Inquisition."[8] The descendants of Moors had been included in the formulation after a series of events, which began with the failed revolt of Granada in 1499-1501 and had culminated with the coerced baptism of the Muslims of Aragon between 1521 and 1526, forcing the peninsula's Muslim population to either convert or to go into exile.[9] The remaining members of the communities that in late medieval Spain had been labeled Muslims, Moors, or Mudéjars would henceforward be referred to as *nuevos convertidos de moros* (new converts from Islam)—in English, New Converts or New Christians, for short.[10]

These changes signaled the end to a certain amount of autonomy such communities had enjoyed, including the right to handle internal moral and ethical issues according to the legal authority of the *Shari'a*. In the 1491 Capitulation decrees following the conquest of the Nasrid kingdom of Granada, the Crown had guaranteed Granadinos that "The Moors shall be judged in their laws and law suits according to the

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[7] Albert A. Sicroff, *Los Estatutos de limpieza de sangre: controversias entre los siglos XV y XVII* (Madrid: Taurus, 1979); Gretchen Starr-Lebeau, *In the Shadow of the Virgin: Inquisitors, Friars, and Conversos in Guadalupe, Spain* (Princeton: Princeton University Press, 2003); Baltasar Cuart Moner, *Colegiales mayores y limpieza de sangre durante la edad moderna: El Estatuto de S. Clemente de Bolonia (ss. XV - XIX)*, 1 ed. (Salamanca: Ed. Univ. de Salamanca, 1991); "La sombra del arcediano. El linaje oculto de Don Lorenzo Galíndez de Carvajal," *Studia historica. Historia Moderna* 15 (1996). Rigorous local studies have indicated that adoption of statutes should not necessarily be understood as implementation. Linda Martz, "Pure Blood Statutes in Sixteenth Century Toledo: Implementation as Opposed to Adoption," *Sefarad* 54, no. 1 (1994); Juan Hernández Franco, *Cultura y limpieza de sangre en la España Moderna. Puritate sanguinis* (Murcia: Universidad de Murcia, 1996); Ruth Pike, *Linajudos and Conversos in Seville: Greed and Prejudice in Sixteenth- and Seventeenth-century Spain* (New York: Peter Lang, 2000).

[8] "calidad de no tener mezcla ni raza de moros, judíos, herejes ni penitenciados." Cited in El Alaoui, *Jesuites, Morisques,et Indiens*, 530.

[9] L. P. Harvey, *Muslims in Spain, 1500 to 1614.* (Chicago: University of Chicago Press, 2005), 94; Mark D. Meyerson, *The Muslims of Valencia in the Age of Fernando and Isabel: Between Coexistence and Crusade* (Berkeley: Univ. of California Press, 1991).

[10] "Granadinos" will be used to refer to converts resident in Granada. The term often employed by the historiography—"moriscos"—suffers from certain defects. See footnote 13.

code of the *Shari'a* which it is their custom to respect, under the jurisdiction of their judges and *qadis*."[11] The decrees, which contained forty-eight concessions in total, had granted the local population rights similar to those enjoyed by other Mudéjar populations on the peninsula. Concerning certain stipulations, they had been even more generous. Yet those rights, and the legal identity of the Mudéjar communities, began to disappear within a decade when Queen Isabel demanded the conversion of all the Muslims in her kingdoms.[12]

Nevertheless, the cultural character of the populations of so-called New Christians changed only gradually. [13] Their modes of dress, culinary traditions, and preferred ceremonies for celebrating life's milestones—much to the chagrin of Christian authorities who repeatedly voiced concern over such cultural cohesiveness—continued to adhere to very similar patterns. Over time, and especially after the natives of the newly-conquered kingdom of Granada rose up in the failed Revolt of the Alpujarras (1568-1570), Crown authorities began to address individuals from the New Convert community using an informal and pejorative term ("Morisco") that in a not-too-distant past had only served as an adjective to refer to "Moorish" behaviors and styles of dress.[14]

This essay will focus on the topic of intermarriage between Granadino New Converts and Old Christians in the last third of the sixteenth century, with an eye to deeper historical context. First, I will review historiography regarding intermarriage according to the medieval Iberian legal traditions of Christianity and Islam. This

[11] "The Capitulations of (1491)" in L. P. Harvey, *Islamic Spain, 1250 to 1500* (Chicago: Univ. of Chicago Press, 1990), 316; Mercedes García-Arenal and Miguel Ángel de Bunes, *Los moriscos* (Granada: Universidad de Granada, 1996), 21. Original: "Que los moros sean juzgados en sus leyes y causas por el derecho del xara que tienen costumbre de guardar, con parecer de sus cadís y jueces."

[12] Miguel Ángel Ladero Quesada, *Granada después de la conquista: Repobladores y mudéjares* (Granada: Diputación provincial, 1988). In a recent monograph, Isabelle Poutrin has argued convincingly that Crown politics toward the Muslim community of Granada, long seen as having quickly shifted from accomodationist (1491) to exacting (1499-1502), actually closely adhered throughout the period in question to a clear set of policy goals following medieval canon law tradition: Isabelle Poutrin, *Convertir les musulmans: Espagne, 1491-1609* (Paris: Presses Universitaires de France, 2012).

[13] Amalia García Pedraza's brilliant, and painstaking, study of notarial documents, for instance, has shown that members of the native community only began to join Christian confraternities in significant numbers in the second half of the sixteenth century. Amalia García Pedraza, *Actitudes ante la muerte en la Granada del siglo XVI: los moriscos que quisieron salvarse*, 2 vols. (Granada: Univ. de Granada, 2002).

[14] Max Deardorff, "A Tale of Two Granadas: Tridentine Reform, Rebellion, and the Formulation of Christian Citizenship in Southern Spain and the Andes, 1563-1614" (Ph.D. Dissertation, University of Notre Dame, 2015), 262-322; L. P. Harvey, *Muslims in Spain 1500 to 1614* (Chicago: Univ. of Chicago Press, 2005), 2-6.

historiography shows that rhetoric and legal doctrine changed in stride with alterations in the power balance between the political units that embraced the different faiths. After institutional Judaism and Islam disappeared from Iberia in 1492 and 1526, respectively, and members of those faith communities were forced to convert or emigrate, intermarriage between people of different *official religious communities* was no longer even conceivable in Spain. Despite the nominal religious unity, however, the peninsula's inhabitants still thought of theirs as an ethnically-divided society. Beginning in the fifteenth century, inhabitants of the peninsula demonstrated an intensified awareness of the differences between converts and Old Christians. Notwithstanding the backlash of nativist resentment to integration, some legal scholars, *tratadistas*, and polemicists of the period passed from acknowledging intermarriage as a byproduct of *convivencia* and conversion, to touting it as a desired policy goal.

Secondly, I will analyze how the topic of intermarriage was addressed in legal petitions created by members of the convert community following the Revolt of the Alpujarras. Our insight into the patterns of intermarriage is often restricted to the behaviors reflected in legislation and the occasional *probanza* of a member of the collaborationist elite. But the petitions native Granadinos made in the 1570s and 1580s for the right to return to the homes and fields from which they had been expelled during the War of the Alpujarras (1568-1570) provide an additional sense of the patterns of intermarriage. During that war, the Crown had effectively banished all families consisting of at least one "Morisco" member for fear of their possible collusion with the rebels. The regime's responses specifically to those applications pertaining to mixed families offer a chance to assess to what degree the rhetoric around the desirability of marriage between Old Christians and *cristianos nuevos de moros* was sincere. My analysis here is drawn from a sample of one-hundred and forty-eight residence petitions, twenty-nine of which originated from members of mixed marriages. To those twenty-nine processes, I have added seven more cases involving noble individuals that the Crown proactively approved without requesting an application.

These petitions, authored by individuals in the process of lobbying the Crown after having been forcibly removed during the war, demonstrate two things. One is the kinds of interrelationships that developed between members of different ethnic communities that, as a result of spatial coexistence and external coercive pressure from the authorities, were growing together. The second reflects on the monarchy's implicit or explicit expectations of the convert community; these documents were created for an

audience comprised of Old Christian judges, after all. The analysis of these petitions demonstrates how intermarriage was understood on this part of the imperial frontier at this particular juncture in time. Not only does it highlight how the gender calculations that the Crown would employ in the ultimate expulsions (1609-1614) had already begun to take shape in the 1570s, but also that the calculations were not necessarily the same as those used earlier in the sixteenth century. This analysis also demonstrates that a differentiated evaluation of the assimilability of converts depending on their place of birth has its roots in the same time period.

## Intermarriage in Secular Law, Canon Law, and Maliki Jurisprudence

Multiple legal traditions coincided and overlapped on the political and cultural frontier of the late medieval Iberian Peninsula.[15] Islamic jurisprudence dominated the Iberian landscape from the eighth until the eleventh century,[16] when Christian kings began again to expand their rule. The most formative change in the legal landscape of Christian Iberia came when King Alfonso X (d. 1284) of Castile-León oversaw the drafting of a seven-part legal code aptly named the *Siete Partidas*. In formulating the new legal corpus, jurists drew heavily upon the Justinian civil code and canon law. Though most likely not adopted until the reign of Alfonso XI (grandson of the original patron) more than a hundred years later, the *Siete Partidas* came to be the most widely-applied body of law in the late medieval and early modern Spanish world.[17] Despite its reach, however, the royal law in the *Siete Partidas* still only informed royal appellate judges, never overriding the jurisdiction of municipal *fueros*.[18]

[15] The Romans had been the first to introduce written law, both civil and ecclesiastical. After defeating the Romans, the Visigoths introduced their own law, collected in the *Liber Iudiciorum* (654), which was later retitled *Fuero Juzgo* (1241) by Fernando III and recognized as the basis for local *fueros* in a number of towns and kingdoms, most notably Toledo, the former Visigoth capital, but also Córdoba, Sevilla, Murcia, and Jérez. See José María Bretaño Fernández-Prieto, "Aportaciones del Fuero Castellano y del Fuero Juzgo en la formación del Fuero de Toledo," *Anales Toledanos* 16 (1983): 7-36. Secular laws were complemented by an active and sophisticated elaboration of canon law in the early medieval period, including seventeen provincial councils held in Toledo under Visigothic rule.

[16] The great legal change came after Umayyad invaders conquered vast swaths of territory (711-718) and erected a new Emirate in Córdoba. Henceforth, and in some form or another until 1526, Islamic communities in Spain would live under Maliki interpretation of the Shari'a. Ragnhild Johnsrud Zorgati, *Pluralism in the Middle Ages: Hybrid Identities, Conversion, and Mixed Marriages in Medieval Iberia* (New York: Routledge, 2012); Kathryn A. Miller, *Guardians of Islam: Religious Authority and Muslim Communities of Late Medieval Spain* (New York: Columbia Univ. Press, 2008).

[17] Zorgati, *Pluralism in the Middle Ages: Hybrid Identities, Conversion, and Mixed Marriages in Medieval Iberia*.

[18] Helen Nader, *Liberty in Absolutist Spain: The Habsburg Sale of Towns, 1516 - 1700* (Baltimore: Johns Hopkins Univ. Press, 1990), 28, 144-57. The Leyes de Toro (1505) asserted the primacy of royal cédulas and other royal publications, to be followed in importance by municipal *fueros*, and

Ragnhild Zorgati has recently conducted an exploration of the medieval legal matrix in Iberia, especially as it concerned interfaith relations. Her *Pluralism in the Middle Ages* examined 6,000 *fatwas* (legal opinions) contained in the *Kitab al-Miyar* of the Islamic jurist Ahmad al-Wansharisi (1430-1508) and contrasted them against the Christian legal positions expounded upon in the *Siete Partidas* and later Mudéjar juridical opinions from the fifteenth and sixteenth centuries.[19] The most fundamental difference between the two legal traditions, according to Zorgati, was the tendency of Christianity to regard conversion as a personal transformation, according to models described by Saint Augustine and Saint Paul, while Islam regarded conversion first and foremost as a transformation of legal status. These nuances affected how each faith conceptualized the obligation of its members when contracting matrimony with an individual from another tradition.

For Christians, marriage to a spiritually-consonant partner was an integral component of performing the role of the "good Christian."[20] The Third Council of Toledo (589) had prohibited Jews from having Christian wives or concubines.[21] Subsequently, prohibitions against intermarriage cropped up throughout late medieval Christian synodal and conciliar legislation.[22] Some medieval canonists argued that true marriage only existed in Christianity, since the traditions of other faiths allowed for

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subsequently the *Siete Partidas*. From the middle of the sixteenth century onward, the *Nueva Recopilación de Leyes de Castilla* (1567) served as the primary—though never comprehensive—source of law.

[19] Based upon an analysis of those sources, she argues that majority and minority cultures alike in medieval Spain used legislation on conversion and intermarriage as mechanisms for negotiation. In the constant struggle to maintain cultural heritage, she posits that the laws of majority communities set the framework for negotiation, while those of minority communities were crafted to maintain important features of cultural heritage. One of Zorgati's basic contentions is that Islam and Christianity had different approaches to conversion, which affected the context of subsequent social acceptance and the conditions individuals encountered when they married across the confessional boundary. Zorgati, *Pluralism in the Middle Ages*, 1.

[20] Zorgati, *Pluralism in the Middle Ages*, 72. This stance originated with the Apostle Paul, who exhorted Christians to avoid being "yoked together with unbelievers" (2 Cor. 6.14). See *Siete Partidas* on spiritually-consonant partners, p. 4, tit. 2, l. 15.

[21] Canonical legislation prohibiting relationships between Christians and Jews sprouted up in Toledo III (589), canon 14; Toledo IV (633), canon 63; Toledo X (656), canon 7; and Toledo XVII (694), canon 8. Dwayne E. Carpenter, *Alfonso X and the Jews: an Edition of and Commentary on Siete Partidas 7.24 "De los judíos"* (Berkeley: Univ. of California Press, 1986), 91.

[22] James Brundage, "Intermarriage Between Christians and Jews in Medieval Canon Law," *Jewish History* 3 (1988): 25-40; David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages*, 2nd ed. (Princeton: Princeton Univ. Press, 2015), 130. For one example, see 1325 synod of Segovia, tit. 41in Antonio García y García, ed. *Synodicon Hispanum* (Madrid: Biblioteca de Autores Cristianos, 1993), 315. Nirenberg notes that by the late medieval period, canonists had shifted their focus from intermarriage to any sort of sexual miscegenation, most notably the categories of fornication and adultery.

divorce.[23] Perhaps because of this, the *Siete Partidas*, whose fourth section dealing with marriage was adopted directly from canon law, saw interfaith marriage as "contumelia creatoris"—a "contempt for God."[24]

A patchwork of secular laws in Christian Iberia approached interfaith unions in different ways. Metaphorically, the *Partidas* likened a marriage between a Christian and a Jew to a union between a slave and a master, an abomination that made an equal partnership where a hierarchy should exist.[25] This royal law did allow Christian men to be betrothed to women of another faith who were planning on converting, but if the conversion never came to fruition, the marriage would be considered invalid.[26] Iberian municipal *fueros* similarly tended to criminalize not only interfaith marriages, but any kind miscegenation out of wedlock. Punishments ranged from flogging and expulsion to execution via burning.[27]

Nevertheless, the royal law in the *Siete Partidas* had tolerated interfaith unions, outside of marriage, always between a Christian man and a non-Christian woman.[28] Though the law marked the practice as disreputable, it permitted Christian men to keep concubines, or *barraganas*. Though preferably Christian, these women could be Muslims (but never Jews).[29] Given that Hispanic customary law recognized the validity of these unions, and even allowed *barraganas* some of the civil responsibilities and rights due to a wife, such relationships of concubinage represent the one legally-prescribed place for the union of people of differing faiths.

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[23] Brundage, "Intermarriage Between Christians and Jews in Medieval Canon Law," 27.

[24] *Siete Partidas*, P. 4, tit. 10, l. 3. This contrasted with another current within medieval canon law, which recognized the validity of marriage between a Catholic and an infidel, as long as the infidel refrained from interfering with the religious practice of the Christian. This, the so-called Pauline Privilege (I Corinthians 7: 12-16), would be regularly invoked in the New World after the conquest. See James Muldoon, *Popes, Lawyers, and Infidels: the Church and the Non-Christian World, 1250-1500* (Philadelphia: University of Pennsylvania Press, 1979), 13.

[25] Carpenter, *Alfonso X and the Jews: an Edition of and Commentary on Siete Partidas 7.24 "De los judíos"*, 92; Zorgati, *Pluralism in the Middle Ages: Hybrid Identities, Conversion, and Mixed Marriages in Medieval Iberia*, 164-65.

[26] Zorgati, *Pluralism in the Middle Ages*, 120

[27] Heath Dillard, *Daughters of the Reconquest: Women in Castilian Town Society, 1100 - 1300* (Cambridge: Cambridge University Press, 1984), 206; Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages*, 132-47. Nirenberg has argued that the prosecution of prostitutes and their clients in the medieval Crown of Aragon derived from an effort to strictly delineate the sexual boundaries between confessional communities.

[28] James Brundage, "Concubinage and Marriage in Medieval Canon Law," *Journal of Medieval History* 1 (1975): 1-17.

[29] Zorgati, *Pluralism in the Middle Ages*, 134-136.

Iberian Islam's focus on the legal aspects of religious identity provided Muslims with more options. One very important distinction was that Islam (like Judaism) allowed for divorce, which Zorgati has argued affected how Iberian Muslim jurisprudence viewed mixed marriages. Muslim men were permitted to marry free *kitabiya* (Jewish or Christian women), though they were prohibited from marrying women from other faith traditions. The Jewish or Christian wife had the same rights as a Muslim one, except she could inherit no property, and her husband would be less severely punished in the case of a false accusation of adultery. But laws on miscegenation, as in both Christianity and Judaism, were heavily gendered. A *dhimmi* (Christian or Jewish) man who married a Muslim woman was subject to execution, because the *dhimmi* contract of religious tolerance forbade such boundary-crossing.[30] The regulations applied in the case of conversion from another faith similarly corresponded to the gender of the new convert. When a *dhimmi* man converted to Islam, the conversion of his *dhimmi* wife was optional. When a woman converted to Islam, however, her husband was given up to four months during her so-called "waiting period" in which to follow her in conversion. Otherwise the marriage would be dissolved. The logic undergirding the regulations stipulated that Islam was superior to the other religions of the book, and that men were superior to women. Muslim men, as superiors in a relationship, were allowed to partner at will. But no Muslim woman could debase Islam by pairing as an inferior partner in a relationship with a man of an inferior religion.[31]

Zorgati has shown how Christian conquest, which made many Muslims into Mudéjars—that is Muslim subjects of a Christian king—prompted a change in law on intermarriage within Muslim communities. The conclusions come from a side-by-side comparison of two Mudéjar summaries of Islamic law: the *Llibre de la çuna e xara dels moros*, authored in the fourteenth century, and the *Breviario Sunni*, a product of the fifteenth century. The *Llibre de la çuna e xara dels moros* was drafted in Catalan for use in the territory around Valencia, most likely to aid Christian jurists ruling in lawsuits involving Muslims. The *Breviario Sunni*, on the other hand, was drafted in 1462 by Yça Gidelli, a *mufti* from Segovia, for a Mudéjar community very cognizant of its status as a

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[30] Zorgati, *Pluralism in the Middle Ages*, 103.

[31] Zorgati, *Pluralism in the Middle Ages*, 101-109, 165-166; Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge Univ. Press, 2006), 160-93; Maya Shatzmiller, *Her Day in Court: Women's Property Rights in Fifteenth-century Granada* (Cambridge, Mass.: Harvard University Press, 2007).

minority in a Christian land.[32] Though the *Llibre de la çuna e xara* outlawed relationships between Muslim women and *dhimmi* men, by a century later, the *Breviario Sunni* had come to permit such marriages.[33] Only a few decades later, the Nasrid kingdom of Granada fell, making the *Breviario's* stipulations for Mudéjar communities even more pertinent. No independent Islamic authority remained on the peninsula. When the Christian monarchs forced the Mudéjars of Castile and later Aragon to convert, the legal boundaries dividing Castile's and Aragon's ethnic communities dissolved.

Nevertheless, a variety of factors continued to stand in the way of mixed marriages between Old Christians and the Mudéjars-cum-New Converts. First and foremost, though the law and the legal denominations had changed (from Mudéjar to New Christian), the flesh-and-blood individuals involved were the same. Despite their (forced) conversion, the *cristianos nuevos de moros* continued to sense vividly the normative, though extralegal, stigma against mixed marriages coming from within their community.[34] Mark Meyerson has argued that traditional patterns of tribalism and agnatic solidarity continued to dominate social relations, especially at the popular level, among the convert populations of Granada and Valencia. Mudéjar culture prized endogamous marriage for its ability to densify clan networks. Especially in seigneurial villages, far away from the institutional center of the Catholic church and royal authority, traditional family and marriage patterns continued unrestrained.[35]

Structures of Islamic community authority represented by the *aljama*[36] continued to exist even in the later decades of the sixteenth century, at the very least in Valencia.[37] Though formally deprived of their religious (and juridical) character, the *aljamas* in Granada managed community resources and still had the wherewithal to exert

[32] Zorgati, *Pluralism in the Middle Ages*, 84-88.

[33] Ibid., 140.

[34] Carmen Barceló and Ana Labarta, *Archivos moriscos: textos árabes de la minoría islámica valenciana, 1401-1608* (Valencia: Universitat de València, 2009), 75-76; Meyerson, *The Muslims of Valencia*, 235.

[35] Meyerson, *The Muslims of Valencia in the Age of Fernando and Isabel*, 235-259.

[36] Covarrubias (1611) defined "*aljama*" as the "council or assembly" meant to govern Muslim (or Jewish) communities or institutions.

[37] Barceló y Labarta, *Archivos moriscos*, 16-19; Luis F. Bernabé Pons, "On Morisco Networks and Collectives " in *The Conversos and Moriscos in Late Medieval Spain and Beyond* ed. Kevin Ingram (Leiden: Brill, 2012), 124-25. Notarial documents in the countryside of Granada reflect the survival of *aljama* structures at least until 1501: Manuel Espinar Moreno, "La voz de los mudéjares de la aljama de Guadix (1490-1500)," *Sharq al-Andalus* 12 (1995).

normative pressures.[38] Even at the beginning of the seventeenth century, when Las Casas wrote to the Pope, he claimed that many New Christians had not assimilated into Old Christian society precisely because no *alfaquíes*[39] had sincerely converted to Christianity. Instead, they continued applying pressure on members of the community to marry endogamously and maintain their cultural practices.[40]

Finally, prejudicial ordinances (*limpieza de sangre* statutes) barring New Christians and their descendants from certain confraternities, military orders, municipal councils, and religious institutions disincentivized intermarriage between Old Christians and *cristianos nuevos de moros,* since the family fortunes of the former stood to lose in such an arrangement. For example, the cathedral chapters of the bishoprics (Guadix and Almería) and the archbishopric in Granada denied clerical benefices not only to those convicted for any kind of spiritual crime by the Inquisition, but also to their children and grandchildren.[41] This particular prohibition endangered the career prospects of the descendants of converts because even the lightest *penitencia* administered to a parent or grandparent could disqualify one from clerical service for life. In a 1540 exchange with Crown officials, the Inquisitor General indicated Old Christians likely refrained from marrying Granadino converts because they feared that their estates ran the risk of being confiscated by the Inquisition.[42] But these were not the only concerns. Given the

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[38] In a very careful analysis of notarial documents in Guadix, Carlos Javier Garrido García has argued that even though the juridical structure of the *aljamas* disappeared, the social structure endured. Case studies show that the Mudéjar office of *alguacil* within the *aljama* was sometimes replaced by a hired *procurador general* who would lobby and handle legal matters on behalf of the community. Carlos Javier Garrido García, "La organización de las comunidades moriscas urbanas en el reino de Granada: el caso de la ciudad de Guadix," *Miscelánea de estuios árabes y hebraicos. Sección Árabe-Islam* 53 (2004): 129-42. Poutrin argues that *aljamas* in the rural areas of the Granada region did survive, albeit as municipal councils: Poutrin, *Convertir les musulmans*, 174; this argument is seconded, with some nuance, concerning seigneurial villages by Enrique Pérez Boyero, *Moriscos y cristianos en los señoríos del Reino de Granada (1490-1568)* (Granada: Universidad de Granada, 1997), 458-63.

[39] "Learned man of law or priest" of the Moors. See María Isabel Calero Secall, "Muhammad al-Yayyar, un alfaquí a través de los manuscritos de Cútar," in *Biografías mudéjares o la experiencia de ser minoría: Biografías islámicas en la España cristiana*, ed. Ana Echevarría Arsuaga (Madrid: CSIC, 2008), 400-05; Francisco del Rosal, *Orígen y etimología de todos los vocablos originales de la lengua castellana* (Córdoba1611).

[40] Ignacio de las Casas, *Memorial*, 423. For more on the preferrence for endogamy, see Bernabé Pons, "On Morisco Networks and Collectives"; Fernández Chaves and Pérez García, *En Los Márgenes De La Ciudad De Dios*, 256-257; Enrique Soria Mesa, *Los últimos moriscos: pervivencias de la población de origen islámico en el Reino de Granada (siglos XVII - XVIII)* (Granada: Ed. Univ. de Granada, 2014).

[41] Tit. 2, const. 49 in Martín Pérez de Ayala, *Sínodo de la diócesis de Guadix y de Baza*, ed. Carlos Asenjo Sedano (Granada: Universidad de Granada, 1994), 18v.

[42] "Parecer del Inquisidor general y de los del Consejo de la Inquisición sobre los capítulos dados por los nuevamente convertidos del reino de Granada," in Antonio Gallego y Burín and Alfonso Gámir

continuing allure of “Moorish” culture, Old Christian families often worried that the marriage of a daughter to an insincerely converted New Christian might lead her to her apostatize and emigrate across the sea.[43]

Irrespective of these concerns, sixteenth-century theologians and statesmen repeatedly emphasized the value of urging intermarriage. The tradition dated back at least to the *junta* convened at the Royal Chapel in 1526, when the committee’s members (including three archbishops) had suggested that the Church refuse to marry New Converts to each other, and instead insist that they be married to Old Christians.[44] This led the Crown to order the archbishop of Granada to encourage the Granadinos to intermarry with the incoming Old Christian settlers by offering them (unclarified) privileges and exemptions.[45] A few years later in 1530, probably at the urging of the new archbishop Gaspar de Ávalos, the Empress made good on the promise to three Granadino New Converts. In return for their having married Old Christian women, she granted the men Old Christian legal status, in one sweep exempting them from the *farda* tax, granting them the right to bear arms, and rewarding them with lands. She hoped this exemplary measure would inspire others to follow suit and accelerate the Christianization of the realm through intermarriage.[46] Pope Paul III seems to have put the weight of the Papacy behind the initiative in 1542.[47] Though the policy was employed, to some extent, in Granada, it most likely was not in Valencia. In the 1565, *Junta de Valencia* convened to deal with the insufficient Christianization of the convert community, the theologians asked the Crown to encourage intermarriage by offering privileges, a strategy that in Valencia “has never been done.” The bishop of nearby Orihuela repeated the request in 1568.[48] Despite their urging, there appears no evidence

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Sandoval, *Los moriscos del reino de Granada según el sínodo de Guadix de 1554* (Granada: Univ. de Granada, 1968), 251-59.

[43] Las Casas, *Memorial*, 551.

[44] “Informe del doctor de Carvajal redactado con ocasión de la Junta de la Capilla Real de Granada, celebrada en diciembre de 1526,” 174v in Joaquín Gil Sanjuan, "El parecer de Galíndez de Carvajal sobre los moriscos andaluces (año 1526)," *Baetica, Estudios de Arte, Geografía e Historia* 11 (1988): 385-401.

[45] “Instrucción dada a fray Pedro de Alba, electo arzobispo de Granada, para el cumplimiento de lo acordado en cuanto a la reforma de los nuevamente convertidos y del clero,” f. 91v in Gallego y Burín y Gámir Sandoval, *Los Moriscos del Reino de Granada*, 213.

[46] “Cédula para que el presidente y oidores de la Audiencia y Chancillería de Granada, juntamente con el arzobispo y el marqués de Mondéjar, propusiesen la gratificación que debía darse a los nuevamente convertidos que se casasen con cristianas viejas y a las nuevas que se casasen con cristianos viejos,” f. 14v reproduced in Gallego y Burín y Gámir Sandoval, *Los Moriscos del Reino de Granada*, 224-243.

[47] Las Casas, *Memorial*, 416-417.

that the Crown intervened in Valencia as it did in Granada. In 1606, Las Casas took up the cause again, suggesting to the Pope that he encourage the Crown to pursue a policy certifying as pure-blooded ("*limpios*") the children born to a married couple including one Old Christian and one *cristiano nuevo de moro*.[49]

Despite all the outrage and paranoia stirred up in the *limpieza de sangre* polemics, ethnically-different people still shared intimate relationships and even intermarried in sixteenth-century Spain. Amidst all the brutality of the repeated pogroms of the fifteenth century, and the violent executions of the first decades of the Inquisition, numerous Old Christians and *conversos* (converts from Judaism) had intermarried.[50] As Jaime Contreras has so artfully shown through his study of local politics in Murcia,[51] the descendants of *cristianos nuevos de judíos* had intermingled with Old Christians in the oligarchic networks of Castile.

Though intermarriage between Old Christians and *conversos* occurred more frequently than between Old Christians and *cristianos nuevos de moros*, the latter did happen, despite anxiety on either side of the ethnic divide. Such mixed unions were perhaps most common in Castile,[52] where few New Converts continued to speak Arabic and most had assimilated to Old Christian styles of dress and cultural customs.[53]

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48 Las Casas, *Memorial*, 455, 525.

49 Las Casas, *Memorial*, 419, 520, 530.

50 Sara Nalle's new (and intriguing) quantitative project employing Inquisition records from Sigüenza has demonstrated the existence of two distinct *converso* communities, one compromised of Old Converts *(confesos*) and the other of New Converts (*nuevos convertidos*). The two *converso* communities seem to have been largely endogamous, avoiding contracting unions between each other. Analysis suggests that when members of either convert group opted to marry outside of their kin networks, they preferred to marry Old Christians (roughly 10% of the sample). Sara Nalle, "A Minority within a Minority: The New and Old Jewish Converts of Sigüenza, 1492-1570," in *The Early Modern Hispanic World: Transnational and Interdisciplinary Approaches*, ed. Kimberly Lynn and Erin Rowe (Cambridge: Cambridge University Press, 2017), 114-17.

51 Jaime Contreras, *Sotos contra Riquelmes: Regidores, inquisidores y criptojudíos* (Madrid: Anaya & Muchnik, 1992).

52 Trevor J. Dadson, *Tolerance and Coexistence in Early Modern Spain: Old Christians and Moriscos in the Campo de Calatrava* (Rochester, NY: Tamesis, 2014), 38, 157, 201. Nevertheless, Serafín de Tapia affirms that marriages between Old Christians and *cristianos nuevos de moros* were rare (3% of all marriages involving members of this convert community) in Ávila. He has speculated that marriages of Moriscos to Old Christians were even more infrequent elsewhere in Castile. Serafín de Tapia Sánchez, *La comunidad morisca de Ávila* (Salamanca: Universidad de Salamanca, 1991), 174-76. A recent analysis of scattered baptismal records, parish registers, and other sources in late sixteenth-century Seville has suggested that exogamy amongst Moriscos in that city likely amounted to ten percent, at most. Fernández Chaves and Pérez García, *En los márgenes de la ciudad de Dios*, 256-57.

53 Trevor J. Dadson, *Los moriscos de Villarrubia de los Ojos (siglos XV - XVIII): historia de una minoría asimilada, expulsada y reintegrada*, 2a ed. rev. y actualizada ed. (Madrid: Iberoamericana, 2015); Mercedes García-Arenal, *Inquisición y moriscos: Los procesos del Tribunal de Cuenca* (Madrid: Siglo 21. ed., 1978); James B. Tueller, *Good and Faithful Christians: Moriscos and*

Such intermarriage was perhaps the least common in Granada,[54] which had been the Iberian Peninsula's center of institutional Islam until 1492, and Valencia, which inherited that mantle after the forced conversions in Granada between 1500 and 1501.[55] Various works have considered intermarriage as one of the factors in the process of integration, focusing especially on the native Granadino community's relationship with incoming Old Christian settlers. In broad strokes, this literature suggests that though Old Christian society showed a decided prejudice towards members of the Granadino merchant and agriculturalist classes, it tended to welcome relations with the noble castes from the native community.[56] A number of very visible highborn Granadinos married Old Christian women. Popular culture—in this case Ginés Pérez de Hita's famous historical novel, *Guerras Civiles de Granada*—seemed to suggest that Old Christian communities were also more welcoming to female converts. Hita gave an example of the mixed heritage of an old nobleman, Fernando de Almodóvar in the town of Cantoria, who, like his father and grandfather before him, was married to a *cristiana nueva.* "Yet that fact did not deprive them of their nobility, or the right to bear arms, as they were Old Christians, and recognized as such."[57] Nevertheless, a scene from the second part of the most famous of all Spanish literary sources, Cervantes' *Quijote,*

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*Catholicism in Early Modern Spain* (New Orleans: Univ. Press of the South, 2002); Serafín de Tapia Sánchez, "Una minoría urbana mal conocida: Los moriscos 'convertidos' en Castilla la Vieja," in *1490, en el umbral de la Modernidad*, ed. José Hinojosa Montalvo and Jesús Pradells Nadal (València: Generalitat Valenciana, 1994).

[54] Through an analysis of baptismal records in the city of Guadix, Garrido García identified two percent of native Granadinos as members of a mixed marriage. Carlos Javier Garrido García, "Moriscos y repobladores del reino de Granada en el siglo XVI a través de una nueva fuente: las series parroquiales de bautismo," *Miscelánea de Estudios Árabes e Hebraicos: Sección Árabe-Islam* 58 (2009): 152.

[55] Las Casas, *Memorial*, 420-421; Meyerson, *The Muslims of Valencia in the age of Fernando and Isabel*.

[56] Julio Caro Baroja, *Los moriscos del reino de Granada: Ensayo de historia social* (Madrid: Inst. de Estudios Políticos, 1957); Javier Castillo Fernández, "Luis Enrique Xoaida, el primo hermano morisco del Rey Católico (análasis de un falsificación histórica e integración social)," *Sharq al-Andalus* 12 (1995): 235-53; "El sacerdote morisco Francisco de Torrijos: un testigo de excepción en la rebelión de las Alpujarras," *Chronica Nova* 23 (1996): 465-92; William Childers, "Disappearing Moriscos," in *Cross-cultural History and the Domestication of Otherness*, ed. Jan Rozbicki and George O. Ndege (New York: Palgrave Macmillan, 2012); García Pedraza, *Actitudes ante la muerte*; Harvey, *Muslims in Spain 1500 to 1614*; Santiago Otero Mondejar, "Que siendo yo cristiano viejo la justicia procedió contra mí: La instrumentalización de la imagen del morisco," *Historia y Genealogía* 1 (2011); Enrique Soria Mesa, "Una versión genealógica del ansia integradora de la élite morisca: el Origen de la Casa de Granada," *Sharq al-Andalus* 12 (1995): 213-21; Enrique Soria Mesa, "Los linajudos. Honor y conflicto social en la Granada del Siglo de Oro," in *Violencia y conflictividad en el universo Barroco*, ed. Julián Lozano Navarro and Juan Luís Castellano (Granada: Editorial Comares, 2010), 401-27; Bernard Vincent, *Andalucía en la edad moderna: economía y sociedad* (Granada: Excma. Diputación Provincial de Granada, 1985); *El río morisco* (Valencia: Univ. de València, 2006).

[57] Ginés Pérez de Hita, *Historia De Las Gverras Civiles De Granada* (Barcelona: Estevan, 1619), 604.

warns us against overestimating the frequency of such unions. In that scene, Sancho Panza ran into his old friend, the Morisco Ricote, who had returned to the kingdom after the expulsion, disguised as a pilgrim. As the two exchanged news, Ricote inquired about his daughter, whom he had left behind. Ricote confessed that he had been worried that she would be seduced by a wealthy Old Christian heir of a *mayorazgo,* don Pedro Gregorio, who had long pined for her, but added that he did not consider it too much of a likelihood, since his daughter was more Christian than impressionable, and "*Moriscas* rarely or never fall in love with Old Christian men…"[58]

Though the outbreak of the War of the Alpujarras (1568-1570) illustrated the visceral sense of antagonism between Old Christians and *cristianos nuevos de moros* in Granada, the war's aftermath provided some insight into patterns of integration and intermarriage between the two communities, as hundreds of Granadinos expelled during the war submitted petitions to return home to the transforming kingdom. The decisions taken by royal judges regarding applications submitted by members of mixed families give human depth to more commonly-used legislative sources, providing evidence of the evolving calculus around the desirability of marriage between Old Christians and *cristianos nuevos de moros*.

The deportations started as a piecemeal affair, and proceeded progressively until they included practically the whole native Granadino populace. The first *bando de expulsión* in June 1569 only included "Morisco" boys and men between the age of ten and sixty in the city of Granada. But as the war continued and the royal army consolidated greater control of the territory, the Crown expanded the deportation decrees to include all "Moriscos," Mudéjars, and Gazis (Muslim slaves taken in war) throughout the kingdom.[59] By 1571, upwards of 80,000 native Granadinos were relocated throughout Castile. The *Corregidor* listed a mere 8,701 "free and captive Moriscos" as remaining in Granada and its hinterland.[60] A process by which those who had been expelled could apply for return was developed shortly thereafter. Applicants would craft their appeals from their current place of residence and then send them to

[58] Miguel de Cervantes Saavedra, *Segunda parte del ingenioso caballero don Quijote de la Mancha* (1615), cap. LIV: "fiado en el valor de mi Ricota, nunca me dio pesadumbre el saber que la quería bien, que ya habrás oído decir, Sancho, que las moriscas pocas o ninguna vez se mezclaron por amores con cristianos viejos, y mi hija que, a lo que yo creo, atendía a ser más cristiana que enamorada, no se curaría de las solicitudes de ese señor mayorazgo."

[59] Mary Elizabeth Perry, *The Handless Maiden: Moriscos and the Politics of Religion in Early Modern Spain* (Princeton: Princeton Univ. Press, 2007), 109.

[60] Archivo General de Simancas (AGS), Cámara de Castilla (CCA), 2182.

Granada, where they would be evaluated by a court of "Three Judges." The President of the Chancery would subsequently send the jury's opinion to the king for ratification.[61]

The thirty-six cases I have identified represent only a drop in the bucket when we consider the hundreds of thousands of *cristianos nuevos de moros* who had lived in the kingdom of Granada.[62] Yet their cases are suggestive, and represent patterns of miscegenation, conviviality, and integration often overlooked by scholars working with documentary bases that emphasize conflict over *convivencia*.[63] The individuals captured within these petitions for residence licenses run the gamut: from the cream of post-conquest indigenous nobility, such as Don Gonçalo el Zegri and Don Alonso Venegas, to artisans and servants.

Of the thirty-six petitioners (illustrated in Chart 1.1), twenty-four saw their appeals approved, while four were rejected. The final decision is lacking in the eight remaining cases, though the preliminary approval they bear from Chancery President Pedro de Deza makes their final endorsement likely. These differences conjure up questions. Why would some mixed couples be accepted and others denied? Did the genders of the members of the mixed couple matter? Or did some external factor play the decisive role? Other questions arise when these thirty-six cases are evaluated against dozens of other contemporaneous appeals. The majority of applicants, in fact, had not married exogamously. Instead, they made their arguments for the right to return based solely on other grounds, such as their service in the war or their orthodox Christian lives. This begs the question: were those New Christians who married Old Christians treated better by the court of the Three Judges, on the whole, than were other applicants?

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[61] AGS, CCA, 2174.

[62] The geographical origins of the thirty-six individuals from mixed couples are: city of Granada (9); other municipalities of the kingdom such as Guadix, Baza, Marbella, Almería, and Málaga (20); Ávila, Madrid, and Talavera in Castile (4); and North Africa (3). All petitioners born outside of the kingdom claimed to have already established vecino status in Granada. There are various estimates on the population of the kingdom at the time of conquest (1492). See Ladero Quesada, *Granada después de la conquista*.

[63] Perry, *The Handless Maiden;* Harvey, *Muslims in Spain*; Vincent, *Rio Morisco*; Mikel de Epalza, *Los moriscos antes y después de la expulsión* (Madrid: MAPFRE, 1992); Andrew Hess, "The Moriscos: An Ottoman Fifth Column in Sixteenth-Century Spain," *American Historical Review* LXXIV, no. 1 (1968): 1-25; Anwar Chejne, *Islam and the West: The Moriscos, a Cultural and Social History* (Albany: State University of New York Press, 1983); Álvaro Galmés de Fuentes, *Los moriscos: desde su misma orilla* (Madrid: Impr. del Instituto Egipcio, 1993).

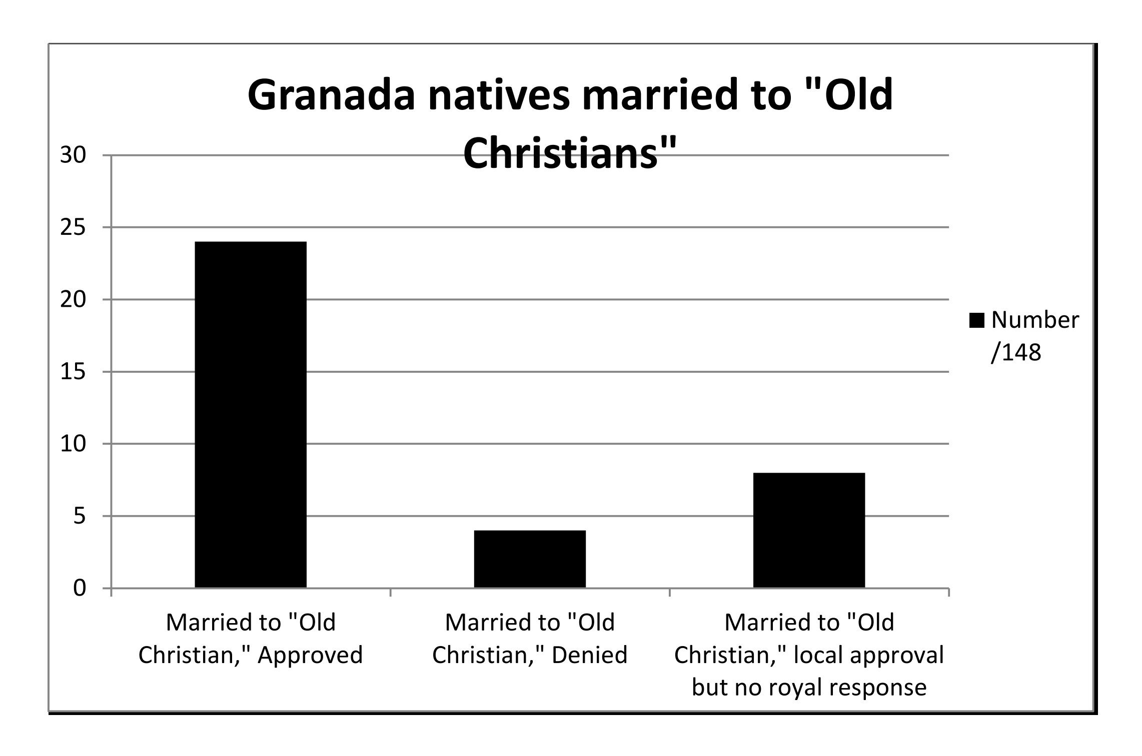



Chart 1.1: Approval/Denial of Petitions from those Married to Old Christians

The first thing that stands out among those applications is how intermarriage fit into the matrix of recommendatory characteristics. Given the context of the recent war, the Judges seem to treat intermarriage as a positive indicator for integration, but one that was not sufficient on its own to qualify an individual for a residence permit. Judges seem to have been searching for evidence that applicants adhered to the 1567 Pragmatic Sanction, the document that had enraged the Granadinos to the point of rebellion, by prohibiting them from speaking Arabic, wearing "Moorish" styles of clothing, or celebrating marriages according to (ostensibly Islamic) tradition, among other things.[64] More critically, the Judges sought evidence of the applicants' loyal service in the Christian war effort.

At first glance, petitioner Juan de Zamora appears to have been a casualty of this last concern. His 1574 petition noted that Zamora was married to an Old Christian woman, and had been granted permission to carry arms—a privilege denied to all but a fortunate few following the abortive uprising of 1499-1500. These characteristics, as well as his reputation as a merchant connecting Valladolid, Medina del Campo, and Granada through trade, were enough for the General Don Juan de Austria to approve his

[64] García-Arenal and Bunes, *Los moriscos*. Analyzed along with the response by Francisco Núñez Muley in Vincent Barletta, *A Memorandum for the President of the Royal Audiencia and Chancery Court of the City and Kingdom of Granada* (Chicago: University of Chicago Press, 2007).

residence in Granada during the war and the postbellum years. Nevertheless, Zamora claimed he was the subject of constant persecution on city streets. He insisted that Christian authorities stopped him regularly, disarming him and putting him under arrest in order to extort a fine or a bribe. He claimed he was compelled to seek a royal license when the harassment led to desperation. His house in the Old Christian neighborhood of San Gerónimo was confiscated. Because of this, his four daughters, he complained, were now homeless, and his wife had died from exposure.

When the Crown's *fiscal* went to collect evidence in order to assess Zamora's claims, he came back with both positive and negative indicators. On one hand, he noted that Zamora was a 'Mudéjar' from Ávila[65] who had immigrated into the city, rather than a Granadino native, a positive in the Crown's eyes. Furthermore, the *fiscal* noted that he dressed and behaved as an Old Christian, and circulated amongst Christian company. But—the *fiscal* noted with sincere concern—Zamora had been suspiciously inactive in the war effort, and even though his son had enlisted in the king's armies, the son's participation had been short-lived and his contributions to the war effort had been minimal. In light of this evidence, the King revoked the residence license Zamora had earlier received from Don Juan.[66]

The about-face is confounding. What might have been the motivation for the rejection? On the surface, it seems to have been Zamora's inactivity during the war. Viewing the evidence the *fiscal* had amassed, the Judges opined that since "no one attested to his particular service [in the war]…" it would be inconvenient to grant his wishes. War service thus seemed to override all other indicators. But one has to ask if the decision would have been different if the gender roles were reversed.

It is entirely possible that the rejection was related to gendered concerns about the transmission of belief. In Isabelle Poutrin's recent reevaluation of the negotiations around the 1491 Capitulation treaty, she demonstrated that mixed unions involving Muslim men and *romias* (formerly-Christian women who had recently converted to Islam) had been a point of particular contention between treaty negotiators on the two

[65] Ávila, like Ricote, was home to a large community of *moriscos antiguos* that was relatively well-integrated with the Old Christian community. See Tapia Sánchez, *La comunidad morisca de Ávila*; Govert Westerveld, *Blanca, 'El Ricote' de Don Quijote. Expulsión y regreso de los moriscos del último enclave islámico más grande de España*, 2 vols. (Murcia: Bubok Publishing, 2001). Zamora may represent one of the *moriscos antiguos* who in the 1550s emigrated from Old Castile in the 1550s to Granada, Valencia, or Aragon in order to escape increasing pressure from the Inquisition, according to the arguments made by Serafín de Tapia. Tapia Sánchez, "Una minoría urbana mal conocida: Los moriscos 'convertidos' en Castilla la Vieja," 453.

[66] AGS, CCA, leg. 2175.

sides. Boabdil feared that after Granada was surrendered, *romias* and their children would be particular targets for re-conversion, and in his last act as sovereign sought to secure protections for the children of mixed unions. Boabdil especially worried that re-conversions would endanger the transmission of Islam, given that the right to raise minor children was habitually given to the mother in the case of the dissolution of a marriage.[67] In that case, Boabdil demanded that children remain with their fathers, be considered juridically Muslim by birth, be safe from compulsive evangelization, and only be given the option to choose their religious identity at 12 years of age.[68] His demands fell into line with Maliki jurisprudence, which assumed that "every child is born according to the *fitra* [primordial human nature], and then his father makes him a Muslim, a Christian, or a Jew." Islamic scholars studying the concept of *fitra* suggested that the implication was that every child born to a Muslim has a Muslim kernel.[69] Boabdil merely sought to confirm the principle of Maliki jurisprudence, that children inherited religious identity from their fathers,[70] in the treaty capitulations. In return, he was fully ready to accept the status of those who voluntarily sought reconversion to Christianity, given that such a juridical change be simultaneously witnessed by both Muslim and Christian officials.[71]

But the Monarchs refused Boabdil's demands. The Crown, like the Church, considered an individual's juridical tie with the Church hereditary, on both the maternal and paternal line, independent of whether or not he or she had been baptized.[72] Thus those Muslims whose conversion from Christianity only dated back one or two generations, and their children, were a priority target of the church. Surprisingly, the

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[67] Poutrin, *Convertir les musulmans: Espagne, 1491-1609,* 44. For examination of this issue in historical perspective, see: Maria Magdalena Martínez Almira, "La filiación materna y paterna en el Derecho Islámico. Derecho sustantivo y reformas en los sistemas jurídicos actuales," *Feminismo/s* 8 (2006): 96-100.

[68] This particular demand mirrored the structure of earlier capitulations conceded to the city of Almería in 1490, which stipulated that "the children of Christian women will not be forced to become Christians. At the age of twelve, they will choose whether to be Christians or not." This formulation also aligns with canonical doctrine on the baptism of the children of infidels. Only when they attain the age of reason can they be baptized without the consent of their parents. Thomas Aquinas, *Summa Theologica*, IIa-IIae, q. 10, art. 12 as cited in Poutrin, *Convertir les musulmans: Espagne, 1491-1609,* 45.

[69] Zorgati, *Pluralism in the Middle Ages: Hybrid Identities, Conversion, and Mixed Marriages in Medieval Iberia*, 59.

[70] Ibid., 169.

[71] Poutrin, *Convertir les musulmans: Espagne, 1491-1609*, 43-44.

[72] Zorgati, *Pluralism in the Middle Ages: Hybrid Identities, Conversion, and Mixed Marriages in Medieval Iberia*, 168-69.

*romias* received more protections within the final treaty formulation than they had in the one put forward by Boabdil. The Capitulations guaranteed that a *romia* would only be converted voluntarily in front of Christian and Muslim witnesses. But, importantly from a Christian point of view, it established that "as to the sons and daughters of *romias, the terms of the law* shall be observed." Poutrin points out that the signaling of the "terms of the law" in the capitulations is oblique, but was likely a furtive reference to canon law, meant to undermine Boabdil's requests.[73]

Juan Zamora's petition to stay in Granada even after his Old Christian wife's death thus harkened back to one of the most sensitive issues of the conquest. With its publication of the Pragmatic Sanction in 1567, the Crown had essentially accused the *cristianos nuevos de moros* of Granada of being crypto-Muslims. The rebellion that broke out at the end of 1568 all but confirmed that suspicion for the general public. In the eyes of theologians and canon lawyers, Zamora appeared a likely apostate raising four daughters alone, without the restraining influence of an Old Christian wife. Since Christian judges in Granada likely knew that Islamic law stipulated that religious affinity passed down the paternal line, the prospect of allowing Zamora to remain posed a significant risk. Were the Council to have considered instead an Old Christian widower grieving the death of a Morisca wife, it is likely it would have followed the same gendered logic toward the opposite outcome.

The other three individuals denied by the Council of the Three Judges appear to have been the victims of their own cleverness. Gonzalo Hernando de Santa Cruz and the brothers Diego and Gerónimo de Madrid were all discovered to have falsified documents in order to manufacture their genealogies. The feverish concern with genealogy in sixteenth-century Spain had left nearly everyone seeking a privilege, a post, or a recognition scrambling for the necessary evidence to consolidate their social status.[74] Amidst such pressing necessities, the number of genealogical falsifications spiked. Members of the Nasrid nobility traced their lineage back to Visigothic kings; a grandson of cloth-dyers made himself into a descendant of the Nasrid royal line, and

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[73] Poutrin, *Convertir les musulmans: Espagne, 1491-1609*, 45.

[74] Castillo Fernández, "Luis Enrique Xoaida, el primo hermano morisco del Rey Católico (análasis de un falsificación histórica e integración social)."; Pike, *Linajudos and Conversos in Seville: Greed and Prejudice in Sixteenth- and Seventeenth-century Spain*; Soria Mesa, "Una versión genealógica del ansia integradora de la élite morisca: el Origen de la Casa de Granada."; Soria Mesa, "Los linajudos. Honor y conflicto social en la Granada del Siglo de Oro."

dozens—and perhaps hundreds or thousands—of native Granadinos made themselves into Old Christians.[75] Santa Cruz and the Madrid brothers were three among many.

Gonzalo Hernando de Santa Cruz had predicated his petition on the argument that he was an "Old Christian" (in specifically Granadino terms that meant a family member had converted before the forced conversions of 1499-1502), married to a "notorious Old Christian" woman, and that he had served and been wounded during the War of the Alpujarras. In his appeal, he claimed his status would never have been questioned if he had not angered some anonymous "persons" by collecting royal taxes. This resentment allegedly led them to accuse him out of spite of being a Morisco. In support of Santa Cruz's claim, the royal investigation revealed that not only was he married to an Old Christian woman, as he claimed, but he moved indistinguishably within the Christian community. His father, however, had been accused and convicted of having supported the Morisco rebellion. The prosecution had dug up old genealogical documentation during the father's trial, which revealed that in 1539 Santa Cruz's father had appropriated the genealogical certification of his African Old Christian slave. Crossing out the slave's name and substituting his own, the father had won legal recognition as an Old Christian. The father was publicly shamed and exiled. The son was deprived of his Old Christian status and subsequently expelled.[76] Santa Cruz had thus been outed as a New Christian who had successfully intermarried and, for a time, integrated into the Old Christian community.

The fate of the Madrid brothers, meanwhile, rested on the ethnic classification accorded to their father. Everyone—the brothers, the Council of Three Judges, and the witnesses consulted—agreed their mother was an Old Christian who lived in Granada. Diego and Gerónimo claimed their father was an Old Christian, too, from Madrid (hence the surname). But the testimony of various witnesses convinced the Council of Judges to dig further, and they discovered the genealogical testimony that had once verified the father as an Old Christian to be false. Witnesses whose testimony had been cited were impossible to locate, and the paperwork bore very questionable manipulations, assumed to have been introduced by the brothers themselves. The father, Gabriel de Madrid, was identified as a *cristiano nuevo de moro*, which according to the Judges made the family ineligible to reside in Granada. The evidence unearthed during various years of investigations suggested that some members of the community in

[75] Soria Mesa, *Los últimos moriscos*.

[76] AGS, CCA, leg. 2181

Granada regarded Gabriel as different. Witnesses labeled him as a "Mudéjar" and noted that he paid the *farda* tax required of all the formerly-Muslim natives of the city. Despite his marriage to an Old Christian woman, a number of his neighbors, and ultimately the Council of the Three Judges considered him a Morisco. The same went for his sons, Diego and Gerónimo.

These cases demonstrate the tension between two powerful social traditions. On the one hand, early modern Spain was obsessed with the "infectious" quality that a Jewish or Muslim genealogy might have. To many common Old Christians the political situation of the day suggested that an individual descended from Jews or Muslims was more likely than not to be a seditious heretic or traitor eager to undermine the foundations of Christian rule. Thus when Santa Cruz and the Madrid brothers (as well as their family members) were revealed to have lied on official forms, it likely confirmed the suspicions that justices had. Yet at the same time, a number of parties, including the Crown's own counselors, advised the propagation of intermarriage as the best tool for social integration. *Conversos* and *cristianos nuevos de moros* were, after all, still subjects of the Crown and, as far as anyone knew, were not going anywhere. The relatively effortless integration of Juan de Zamora, Santa Cruz, and the Madrid brothers—they each managed to find a number of witnesses to testify that they were indistinguishable from the surrounding multitudes in their habits—spoke to the successful results of intermarriage. But at the same time, more than a century of conflict, capped off by a recent war, led apprehensive Old Christians to instinctively distrust New Christians. When, in turn, the *cristianos nuevos* sought to work around the prejudicial system, Old Christians saw their dishonesty as confirmation of the biases they had held in the first place.

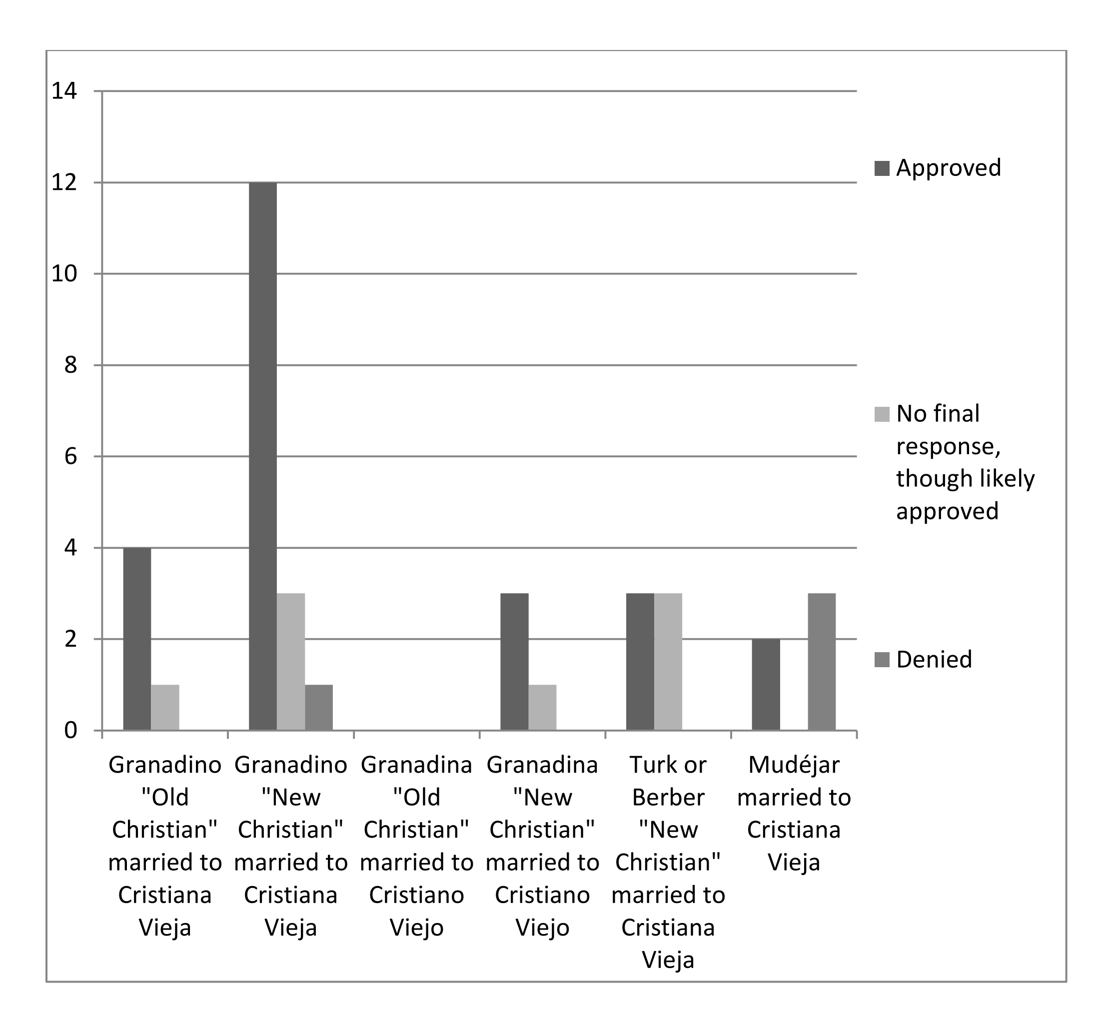



Chart 1.2: Judicial Approval of Residence Licenses, according to Petitioner's Gender and Legal Status

Despite the evidence provided in preceding examples, the great majority of *cristianos nuevos de moros* and native Granadinos (see Chart 1.2) who intermarried with Old Christians and who appear in the sample were granted permission by the royal courts to stay in Granada. Even within the group of those approved, there are distinctions that merit a careful evaluation of the factors at work. First of all, the origin of the individual mattered. As much as modern historiography has latched onto the term "Morisco," many inhabitants of sixteenth-century Spain viewed the descendants of the peninsula's Muslims with much greater nuance. Secondly, as noted earlier in the case of Juan de Zamora, gender did enter into the calculations of the judges. The dynamics around these issues were firmly rooted in the socio-political and historical context of the region.

### Intermarriage in Post-bellum Granada

Many educated people of the sixteenth and early seventeenth centuries would have been careful about to whom they applied the label "Morisco." When he wrote about the regional differences among Iberian Muslim convert communities in 1606, the Jesuit Ignacio de Las Casas characterized the groups, in broad strokes, as primarily "converts" in Castile, "Mudéjars and Tagarinos" in Aragon, and "Moriscos" from Granada and Valencia.[77] According to Las Casas, the "converts" of Castile and the Aragonese "Mudéjars" spoke Castilian, wore Christian dress, and shared most customs with their Old Christian neighbors. Both groups were generally considered less dangerous and more likely to integrate into Christian society. The term "Morisco" was generally reserved for individuals who spoke Arabic, wore Andalusian or North African fashions, and lived according to "Moorish" cultural customs.

It seems very clear that applicants and judges also recognized these divisions. Diego de Talavera, who had resided in Granada for a number of years, but who was a native of Talavera in La Mancha, presented himself to them as a good Christian who did not speak Arabic and who only socialized with Old Christians. He stressed that he descended from "Mudéjars" who had a long history of fealty to the Crown, and that "never in his life has he had any dealings with Moriscos from that kingdom [Granada]."[78] Seeing his social circle, and especially his marriage to an Old Christian woman, the royal investigators concurred, calling him a man of "calidad," and approved his appeal.

Also visible in the documentation are the North Africans who were either brought over as slaves during their childhood or immigrated specifically in order to convert to Christianity. The administration clearly differentiated them from the "Moriscos". The case of Juan de Ayala, a native of the coastal city of Azemmour in Morocco, was rather typical. Born around 1506, Ayala came to Spain "as a child"—most likely brought as a slave—"before 1521."[79] He reported, and the king's *fiscal* confirmed, that he had married an Old Christian woman and served in the local militia's defense against

[77] Las Casas, *Memorial*, 538. Las Casas' characterizations generally reflect what modern historians have argued through a number of concentrated regional studies. In the words of Trevor Dadson, "The variations between one group of Moriscos and another are as great as, if not greater than, the similarities between them." Dadson, *Tolerance and Coexistence in Early Modern Spain: Old Christians and Moriscos in the Campo de Calatrava*, 4-5.

[78] AGS, CCA, leg. 2180.

[79] It is likely Ayala references this date because it puts him in Spain before the forced conversions of Mudéjars in Aragon began, thus inferring the voluntary nature of his conversion.

(Islamic) pirate raiding parties in his current home of Marbella. In his petition, Ayala made sure to note that he confessed and took Communion, and that he had married his daughter to an Old Christian.[80]

The response of royal officials made clear that individuals like Ayala were not intended to have been included in the edicts of expulsion. In their reading, the proclamation had targeted primarily "Moriscos," natives of the kingdom who conserved traditional patterns of dress, speech, and custom and who had been implicated in the uprising against the Crown. The fact that he came from elsewhere worked in his favor. In addition, the fact—though not entirely clear from his petition—that he had likely been raised as a slave in a Christian household was also seen as positive. Many Christian theologians and statesmen argued that enslavement was the best thing that could happen to the children of Muslims, because it would ensure their salvation by assuring they were taught Christian values from a young age. In fact, Francisco de Torrijos, a canon in the cathedral of Granada, advocated solving the problem of integration by taking "Morisco" children from their parents, entrusting them to an Old Christian family, and requiring them to marry Old Christians when they got old enough.[81]

Men like Torrijos would point to individuals like Diego de Guevara, a *vecino* of Granada, as emblematic of the success of such a strategy. When he was a child, Guevara had been taken as a slave in Orán by the Count of Alcaudete, who later sold him to Diego de Almorox, a financial agent for the Fugger banking family.[82] At some point Guevara converted to Christianity, and after many years in service, achieved his manumission and married an Old Christian woman, named María el Roso, who had also served Almorox. The two had a number of children. Following the war Guevara gathered character testimonies from a number of individuals in the upper-middle strata of the Granadino lettered classes and bureaucracy—including his former master, a public scribe, and a comptroller of the royal fisc—that attested he was a "good Christian" and not one of the "Moriscos" threatened with expulsion.[83]

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[80] AGS, CCA, leg. 2178.

[81] Castillo Fernández, "El sacerdote morisco Francisco de Torrijos," 482. Torrijos has been a subject of scholarly interest because one of his parents was a New Christian.

[82] On Almorox, see Rolf Walter, *Oberdeutsche Kaufleute in Sevilla und Cádiz (1525-1560): Eine Edition von Notariatskarten aus den dortigen Archiven* (Stuttgart: Franz Steiner Verlag, 2001), 225.

[83] AGS, CCA, leg. 2189.

The existence of petitions for royal license from individuals such as Diego de Guevara and Juan de Ayala clarify two important points about the treatment of the descendants of Muslims in early modern Spain, and especially the frontier region of Granada. First of all, they demonstrate the reality of intermarriage between "Old Christian" and "New Christian." Though ecclesiastics and statesmen constantly harped about the wildly different, and to them offensive, dress and customs of the "Moriscos," Christian society was happy to countenance the pairing of an "Old" and "New" Christian as long as their mores and religion aligned.[84] Yet, at the same time, the fact that Diego de Guevara and Juan de Ayala considered it necessary to establish their legal bona fides attests to a steady and persistent level of prejudice in society and fear among Converts. Guevara wished to have a royal certificate confirming "that the (Expulsion) Decrees do not include him" in the case that someone was to question his heritage.[85] Meanwhile, Ayala sought a license bearing a royal seal out of fear that "some people, out of evil intention, will bother him and attempt to expel him from the city."[86]

Perhaps the best example of gender dynamics at play can be seen in the petition lodged by the siblings Hernando and Isabel de Morales. The two described themselves as New Christians, an important detail that differentiated them from many other applicants, who described themselves as "Old Christians" descended from native Granadinos who had converted from Islam before the General Conversion of 1502. Since the post-war decrees mandated the deportation of all "Moriscos and Mudéjares"[87] except a handful of necessary handpicked artisans and collaborators, the Morales siblings would have expected to have been expelled inland. But the two carefully laid out the rationale for their petition to stay. Members of their family had long been loyal vassals of the Crown even during the conquest. In addition, Hernando and Isabel fully partook in the sacramental life of the church—confessing and taking communion—in Ronda, a town where they were the only New Christians. Consequently, each one of them had married an Old Christian. The Crown's response was that Isabel's application was unnecessary, because she was married to an Old Christian man, but Hernando, as a

[84] That is, as long as they adhered to Christian sartorial and behavioral norms. Tit. 6, const. 35 of the 1554 synod of Guadix-Baza railed against Old Christian women who began to dress like "moriscas" after having married New Christian men.

[85] AGS, CCA, leg. 2189.

[86] AGS, CCA, leg. 2178.

[87] Wording of the chronicler Luis del Mármol y Carvajal, *Historia del [sic] rebelión y castigo de los moriscos del Reino de Granada* (Málaga1600), libro VI, cap. XXVII.

*cristiano nuevo de moro* married to an Old Christian woman, needed a license. Given the other evidence of his integration, however, the Crown was happy to grant it.

This split opinion, even though it led to the same result, demonstrated an interesting shift in the way Christian secular authority had begun to react toward mixed marriages. The Crown, intent on securing the contested territory of Granada from secession, North African reconquest, or an Ottoman-led invasion,[88] sought to fill the territory with loyal Christian vassals. But the Crown took tentative steps backward from its 1530s policy, in which it had recognized as "Old Christian" native Granadinos who married Old Christian women. The war led it to assume that, unless otherwise proven, native men were rebel collaborators and crypto-Muslims. Crown policies consequently paid heed to the patriarchal view of family relations that had dominated in Iberian Muslim culture, accepting as a rule the assimilation of a *cristiana nueva de moros* as a junior member of family unit represented by an Old Christian man but assessing family units led by New Christian men on a case-by-case basis.

## Conclusion

Let us now return to Ignacio de Las Casas' *relación* to the Pope. In it, Las Casas had insisted that intermarriage—in addition to Arabic-language evangelization—was one of the most important elements in assuring the Moriscos' integration into Christian society. As the preceding pages have shown, this was not at all an isolated opinion. Policymakers likely based their ideas about the successful integration of the Morisco community on the model offered by the peninsula's *converso* population. Despite the enormous amount of virulent prejudice that had arisen in the fifteenth century, tensions gradually settled and violence subsided as Old and New Christians increasingly resided side-by-side and intermarried.

Of course, there were various roadblocks that made it difficult for the Christian community to absorb the Granadino convert community according to its stated wishes. Some were cultural, others political. As we have seen, distinct conceptions of marriage in Spanish Islamic society, which endured (to varying degrees in different areas of the peninsula) though the communities nominally converted to Christianity, made

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[88] Miguel Ángel de Bunes Ibarra, "La expulsión de los moriscos en el contexto de la política mediterránea de Felipe III," in *Los moriscos: expulsión y diáspora, una perspectiva internacional*, ed. Mercedes García-Arenal and Gerard Wiegers (Valencia: Universitat de València, 2013), 45-66; Nabil Mouline, "Ahmad al-Mansur, sultán de Marruecos y sus ambiciones de reconquistar al-Andalus," ibid., ed. Mercedes García-Arenal and Gerard Wiegers, 313-33.

exogamous marriage difficult. Additionally, because of external pressure from polities that upheld Islamic legal traditions—especially the Ottoman Empire—in addition to admittedly lax enforcement of existing laws by Christian authorities in Spain, many New Converts upheld their traditions out of hope that Christian rule was only temporary.[89] A firm conviction in the theological superiority of their faith inspired many crypto-Muslims to hold fast to their cultural precepts even in light of increasing persecution.

At the time of the definitive expulsions (1609-1614), many *cristianos nuevos de moros* who had married into Old Christian families were given special consideration. Those whose forebears had converted before the forced conversions of 1502 and had subsequently proven their devout Christianity were already exempt. For the remaining individuals, the specific conditions of the expulsion decrees hewed surprisingly close to concepts of gender and authority in medieval Iberian Islamic traditions. Converts who fell under the patriarchal authority of a Christian man—wives, young children, and slaves—were deemed assimilable and permitted to remain. Yet Morisco men married to Old Christian women were still subject to expulsion—likely because of jurists' awareness that Islamic law specified that children assumed the religion of the father, and the running assumption was that, despite their legal identity as Christians, many New Converts were still devout Muslims. Interestingly, the decrees extended exemption to Morisco men who had formerly been slaves and had subsequently married Christian women. Some scholars have suggested the rationale behind this decision was that men who had been slaves of Christian masters could be trusted to have been sufficiently indoctrinated in the faith.[90] The final exemption applied to Turks or Berbers who had immigrated to Spain specifically to convert. The expectation was likely that their motives were most sincere, and their likelihood to seek intermarriage was very high, given that they had already risked so much and there were so few others of similar condition in Spain.[91]

The conditions set out in the expulsion order thus highlight the centrality of intermarriage in the Crown's appraisal of the Moriscos' integration. Outside of the case of those who had converted before 1502 and subsequently led Christian lives, almost all

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[89] See Meyerson, *The Muslims of Valencia in the age of Fernando and Isabel*, 65-67.

[90] Fernández Chaves and Pérez García, *En los márgenes de la ciudad de Dios*, 400-15.

[91] Jaime Bleda, *Corónica de los moros de España* (Valencia: Universitat de València, 2001 [1618]), 1041.

other conditions for exemption concerned intermarriage, either already consummated or envisioned as a hypothetical future likelihood (as in the case of children, slaves, and Turkish and Berber converts). Those who had taken religious vows obviously had made lifelong contracts with the church, assuring that they would never marry a (crypto-) Muslim.

Throughout the political turbulence between the late medieval period and expulsion of the Moriscos, Christian monarchs in Castile remained keenly attuned to the issue of mixed unions. While negotiating the capitulations of Granada, canon lawyers in the employ of the Crown had used all their bargaining power to preserve the Church's right to reconvert *romias* and reclaim their children for the Christian community. In the early decades of the sixteenth century, the Crown encouraged New Convert men in Granada to marry Old Christian women by offering them significant legal privileges. Close study of individual cases in 1570s Granada reveals that proponents of this earlier policy seemed to retreat after the outbreak of the War of the Alpujarras likely convinced the monarchy that patriarchal norms in formerly-Muslim Granada, especially concerning the determination of the religious identity of the progeny of a mixed union, were too strong to overcome. This policy shift proved decisive, enduring in the rationale of the expulsion decrees in the beginning of the seventeenth century.

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